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So. R. R. Co., 137 Mass. 33; or if the contract fixed a maximum value of the property, and it was agreed that in case of loss the recovery should not exceed that value, this is equally binding. *Alair v. Northern Pac. R. R. Co.*, 53 Minn. 160; *Hart v. Penn. R. R. Co.*, 112 U. S. 331. But the decisions are practically uniform in holding that a carrier cannot by special contract limit its liability to an arbitrary sum, fixed without reference to the value of the property. *Ullman v. Chicago & Northwestern R. R. Co.*, 112 Wis. 150; *Louisville & Nashville R. R. Co. v. Owen*, 93 Ky. 201.

CONTEMPT—DISOBEDIENCE TO DECREE—ORAL ADVICE OF JUDGE.—LEWIS v. BRENNAN, JUDGE, 117 N. W. 279 (IOWA).—Where a decree requires a building to be closed, as a nuisance, as against its use for all purposes, *held*, that the owner, in breaking into and using building, is guilty of contempt, though the judge orally advised the sheriff to close it temporarily only.

Judges merely as judges cannot exercise judicial power. *Toledo, A. A. & G. T. R. Co. v. Dunlap*, 47 Mich. 456; *Whitlock v. Wade*, 117 Iowa 153. The laws fix the time, place, and manner in which judges shall sit as a court. *Blair v. Reading*, 99 Ill. 600. It is the duty of a judge to command, not to advise, and his orders must be reduced to writing. *Savings Bank v. Ball-bearing Chain Co.*, 118 Iowa, 688; *In re Thomas's Estate*, 26 Col. Supp. 110. A reliance upon his oral advice and verbal directions will not excuse a contempt for disobeying his decrees. *Capet v. Parker*, 3 Sandf. 662; *Tremain v. Richardson*, 68 N. Y. 67.

DAMAGES AND MUTILATION OF DEAD BODY—MENTAL SUFFERING.—KYLES v. SOUTHERN R. Co., 61 S. E. 278 (N. C.).—*Held*, that where the rights of one legally entitled to the custody of a dead body are violated by mutilation of body or otherwise, the party injured may in an action for damages, recover for the mental suffering caused by the injury.

A widow's primary right to bury the body of her deceased husband is generally recognized. *Hackett v. Hackett*, 18 R. I. 155; *Weld v. Walker*, 130 Mass. 422. And a wanton or negligent mutilation of the body is actionable. *Doxlator v. Chicago & W. Mich. R. Co.*, 120 Mich. 596; *Burney v. Children's Hospital*, 169 Mass. 57. Some courts hold that the violation of this right naturally contemplates injury to the feelings and allow compensation to be recovered for the mental suffering. *Larson v. Chase*, 47 Minn. 307; *Reinham v. Wright*, 125 Ind. 536. This rule seems to be followed only in those states which hold that damages for injury to the feelings alone is sufficient ground for recovery. *Wells Fargo Co.'s Express v. Fuller*, 13 Tex. Civ. App. 610; *Chapman v. Western Union*, 90 Ky. 265. The rule is repudiated in other states. *Long v. Chicago, R. I. T. Co.*, 15 Okl. 512; *Pa. R. R. Co. v. Butler*, 57 Pa. St. 335.

EMINENT DOMAIN—RIGHTS OF PROPERTY OWNERS—WHEN ACQUIRED.—SIMPSON v. BERKOWITZ, 110 N. Y. SUPP. 485. Where public officers passed a resolution condemning lands, *held*, that property owners acquire no vested rights in such proceedings until the report of the Commissioners of Appraisal is finally confirmed.

While some states hold that the confirmation of the commissioners'